

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9223 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GHOGHARI NARSINHBHAI

ZAVERBHAI (PRAJAPATI-KUMBHAR)

Versus

DISTRICT EDUCATION OFFICER

Appearance:

MR SL VAISHYA for Petitioner
GOVERNMENT PLEADER for Respondent No. 1, 6
MR AD OZA for Respondent No. 2
RULE UNSERVED for Respondent No. 3
RULE SERVED BY DS for Respondent No. 4

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/09/2000

ORAL JUDGEMENT

The petitioner-Ghoghari Narsinhbhai Zaverbhai has

filed his application for correction of the birth date of his son-Meghjibhai from 07/05/1985 to 07/05/1982. The petitioner's son passed S.S.C. Examination and in the certificate issued by the Gujarat Secondary Board, the date of birth of petitioner's son recorded as 07/05/1985. The petitioner contended that the date of birth of the petitioner's son was incorrectly recorded in the Primary School Mahadevpura Primary School when the boy was initially admitted and, thereafter, when the petitioner's son took admission in Higher Secondary School, the date of birth of the petitioner's son continued to be erroneously recorded as 07/05/1985 and at the time appearing in S.S.C. examination also the incorrect birth date continued, but the real and correct birth date of petitioner's son is 07/05/1982. The said error has been deducted by the petitioner's son when the petitioner's son sought admission in the M.B.B.S.Course. Thereafter, the petitioner took up the matter with the District Education Officer and the Higher Secondary Board, but none of authorities corrected the date of birth of the petitioner's son. The petitioner then filed Special Civil Application No.7914 of 2000, and in that application direction was given by this Court to make a fresh application to the District Education Officer for correction of the date of birth of petitioner's son. However, the District Education Officer did not correct the same on the ground that he has no power to correct the date of birth of the petitioner's son. Having aggrieved by the said order passed by the District Education Officer, the petitioner has filed the present application for a direction on the respondents, both the District Education Officer and the Gujarat Education Secondary Board for correction of the date of birth of petitioner's son from 07/05/1986 to 07/05/1982. I have heard Mr.S.L. Vaishya, learned counsel on behalf of the petitioner and the learned counsel on behalf of the Gujarat State and Mr.A. D. Oza, learned counsel on behalf of the Gujarat Secondary Education Board. The learned counsel for the petitioner have drawn my attention of the order of the J.M.F.C.,Talaja dated 01/07/2000 (Annexure-G to the petition). From the order of the J.M.F.C.,Talaja it appears that the J.M.F.C., Talaja after being satisfied passed an order directing the Registrar, Birth & Death to issue birth certificate to the register the date of birth of petitioner's son as 07/05/1982. Accordingly, the Registrar, Birth & Death issued a birth certificate on 03/07/2000 showing the date of birth of the petitioner's son as 07/05/1982. Thereafter, the petitioner filed an application before the Board for correction of the date of birth of the petitioner's son and the Board by its letter dated 13th

July, 2000 (Annexure-J to the petition) informed the petitioner that the prayer of change of the date of birth of his son has not been filed through proper channel and the Board has accordingly informed to the petitioner. It is an admitted fact that for correction of the date of birth in S.S.C. Certificate the date of birth recorded in the Register of the Higher Secondary School from the student have to be corrected first appeared in S.S.C. examination. The School-Authority will first correct the date of birth of a student with the approval of the District Education Officer and, thereafter, the Principal/ Head Master concerned shall forward the same to the Gujarat Secondary Education Board and then the Board will correct the date of birth. Since, the said procedure was not followed by the petitioner the date of birth of the petitioner's son has not been corrected by the Board in the S.S.C. certificate of the petitioner's son. It appears that the J.M.F.C., Talaja was satisfied about the date of birth of the petitioner's son as 07/05/1982 and the said J.M.F.C., Talaja has directed the Registrar, Birth & Death for registering of the birth date of the petitioner's son as 07/05/1982 and accordingly, in the registered of the Birth & Death the date of birth of the petitioner's son has been recorded as 07/05/1982 and the certificate is also issued to him. The learned counsel for the petitioner has drawn my attention to the letter of the Head Master, Mahadevpura Primary School dated 02/08/2000 (Annexure-L to the petition) wherein, the Head Master has admitted that the date of birth of the petitioner's son had been erroneously recorded as 07/05/1985. The Head Master has also stated in the said letter that since the date of birth was erroneously recorded in the Register he is not in position to correct it and for correction of the date of birth, the petitioner requires to obtain the order from Court, thereafter only same can be corrected. It appears that the petitioner has obtained the order from the J.M.F.C., Talaja. The learned counsel also drawn my attention to the letter of the Principal of Triveni Tirth Uttar Buniadi Vidhyalay dated 12/07/2000 addressed to the District Education Board, wherein he has stated that the date of birth of the petitioner's son might have been incorrectly recorded and he has requested to District Education Officer for correction of the same. It appears that inspite of the order of this Court passed on 07/08/2000 in Special Civil Application No.7914 of 2000, the date of birth has not yet been corrected by the Gujarat Secondary Education Board as the same has not been filed according to the procedure. It appears that the Higher Secondary School has intimated the petitioner by a letter dated 14/07/2000 (Annexure-K to the petition)

to take up the matter with the Primary School where his son was first took admission and get the date of birth corrected in the register of the Primary School first and then to approach the the Higher Secondary School for correction of date of birth. It appears that because of procedural defect the date of birth of the petitioner's son has not been yet corrected. After considering the papers and documents placed in the record and from the order passed by this Court in Special Civil Application No.7914 of 2000, it is found that the date of birth of the petitioner's son has erroneously recorded in the S.S.C. Examination Certificate as well as in School Register. It is necessary to correct the date of birth as all the documents clearly shows that the correct the date of birth of the petitioner's son is 07/05/1982. This Court in the earlier application also directed for correction of the date of birth of the petitioner's son, but because the procedural lapses this could not be done. It is now made clear that the petitioner shall approach the appropriate authority for correction of the date of the birth in accordance with the procedure. After perusing the record and evidence, I am of the view that the date of birth of the petitioner's son is 07/05/1982. The petitioner is accordingly directed to file an application before the Head Master of Mahadevpura Primary School for correction of the date of birth of petitioner's son and the Head Master of the School respondent no.5 is directed to correct the date of birth of petitioner's son as 07/05/1982. After getting the the date of birth corrected by the head Master respondent no.5 - Primary School the petitioner shall approach the Principal of Triveni Tirth Uttar Buniadi Vidhyalay, respondent no.4 and the principal is directed to correct the date of birth of the petitioner's son, after obtaining approval District Education Officer in the School register and, thereafter, the respondent no.4-Principal shall forward the application to the Gujarat Secondary Education Board, respondent no.2 and the Board on receipt of the proposal for correction of the date of birth of the petitioner's son from the principal the Board respondent no.2 is directed to carry out the correction the date of the petitioner's son in the S.S.C. Examination Certificate. It is also made clear that the District Education Officer, respondent no.1 shall disposed of the petitioner's prayer for correction the date of birth immediately after getting the same from the principal of the Secondary School. The entire process should be completed preferably within 15 (Fifteen) days.

2. In view of the aforesaid direction this petition

is disposed of.

(P.K.Sharkar, J.)

(vijay)